

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PHOENIX LICENSING, LLC, ET AL. §
§
V. §
§
ALLIANCE DATA SYSTEMS CORP., §
ET AL. §

No. 2:11CV286

MOTION PRACTICE ORDER

Due to the large number of patent cases pending on the Court's docket, resulting in voluminous motion practice, the Court finds it necessary to implement procedures applying to future motions to be submitted in recently filed cases. This procedure is necessary to allow the Court to manage its docket in a timely fashion.

The procedure is as follows:

Summary Judgment Motions: Prior to filing any summary judgment motion, the parties must obtain permission through the submission of letter briefs to the Court. The opening letter brief in each of those matters shall be no longer than five (5) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing summary judgment motions. Answering letter briefs in each of those matters shall be no longer than five (5) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference, if necessary, to hear arguments and to determine whether the filing of any motion will be permitted. Before a summary judgment motion can be filed, the Court must have entered an order specifically granting permission to file the motion.

Motions to Strike Expert Testimony/Daubert Motions: Prior to filing any Motions to Strike Expert Testimony or Daubert Motions, the parties must obtain permission through the submission of letter briefs to the Court. The opening letter brief in each of those matters shall be no longer than three (3) pages and shall be filed with the Court no later than sixty (60) days before the deadline for filing Motions to Strike or Daubert Motions. Answering letter briefs in each of those matters shall be no longer than three (3) pages and filed with the Court no later than fourteen (14) days thereafter. Reply briefs in each of those matters shall be no longer than two (2) pages and filed with the Court no later than five (5) days thereafter. The Court may hold a hearing or telephone conference, if necessary, to hear arguments and to determine whether the filing of any motion will be permitted.

Motions in Limine: Prior to filing any Motions in Limine, the parties must meet and confer and identify those limine items for which there is no opposition. The parties should then, when filing their respective motions in limine, clearly identify which limine items are unopposed and which are opposed. Leave of court, through submission of letter briefs, is not necessary prior to filing motions in limine.

Claim Construction Presentation: The parties shall prepare and present arguments at any future-scheduled claim construction hearings on a claim-term-by-claim-term basis. The Court has found that presentation in this manner facilitates discussion as to the core disputes and promotes judicial efficiency, while presentation on a party-by-party basis is more difficult to follow and less efficient. Where it makes sense, the parties may group logically-related terms together. Any desired deviation from these presentation guidelines shall be submitted to the Court by motion.

For all of the above mentioned motions, any requests to submit letter briefs after the

deadlines outlined above must show good cause. For guidance on how to submit letter briefs to the Court, see the undersigned's Standing Order on this topic, which is available on the undersigned's web page.

IT IS SO ORDERED.

SIGNED this 10th day of April, 2012.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE